

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Thomas M. Keeley

Examiner: Andre D. Boyce

Serial No: 09/407,664

Art Unit: 3623

Filing Date: September 28, 1999

Title: AUTOMATIC NEGOTIATION WITH VENDOR FOR UPGRADING

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Dear Sir:

Applicants submit this Amended Appeal Brief to correct informalities noted in the original Appeal Brief filed on November 19, 2004 in connection with an appeal of the above-identified patent application. Specifically, references to page and line numbers have been added to the summary of independent claim 67. In the event any additional fees may be due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063.

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I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Rockwell Automation Technologies, Inc., the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 40-79 are pending in the application. The rejection of claims 40-79 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

Claim amendments have been made and entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 40**

Independent claim 40 and its corresponding dependent claims relate to a factory automation system that provides status information for at least one factory automation component. (*See e.g.* Application at page 4, lines 8-10.) The system includes a factory automation component distributed by a first party where the component resides at a site location of a second party. (*See e.g.*, Application at page 4, lines 10-11.) The component periodically communicates status information to a first party, wherein the first party compiles the status information from the component and utilizes the status information to the benefit of the second party. (*See e.g.*, Application at page 4, lines 11-14.) The status information comprises component source information, first party site address information, component type information, second party site information and component health information. (*See e.g.*, Application at page 3, lines 15-27.)

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B. Independent Claim 50

Independent claim 50 and its corresponding dependent claims relate to an Internet business communication system. (See e.g., Application at page 4, lines 15-16.) The Internet business communication system includes a website adapted to be employed by a vendor for receiving factory automation component status information over the Internet from a plurality of factory components residing at one or more customer sites. (See e.g., Application at page 4, lines 16-19.) Each component has a different IP address. (See e.g., Application at page 4, lines 19.) The website matches component information residing at the vendor's website with the IP address of the component and provides this information to the vendor. (See e.g., Application at page 4, lines 19-21.) The status information comprises component type information, component health information, customer name information, customer site information and component location information. (See e.g., Application at page 3, lines 15-27.)

C. Independent Claim 59

Independent claim 59 and its corresponding dependent claims relate to a method that provides status information to a vendor on at least one factory automation component sold by the vendor to at least one customer. (See e.g., Application at page 4, lines 22-24.) The method includes the steps of locating at least one component at a site of the at least